

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

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UNITED STATES OF AMERICA,	Case No. 12-CR-00245-J
Plaintiff,	Volume II <b>EXCERPT</b>
vs.	Cheyenne, Wyoming
	July 29, 2014
	9:09 a.m.
MARVIN IVERSON,	
Defendant.	<b>CERTIFIED COPY</b>

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TRANSCRIPT OF TRIAL PROCEEDINGS  
(MOTION FOR JUDGMENT OF ACQUITTAL)  
BEFORE THE HONORABLE ALAN B. JOHNSON  
UNITED STATES DISTRICT JUDGE  
and a jury of twelve and two alternates

APPEARANCES:

For the Plaintiff:	MS. STEPHANIE I. SPRECHER Assistant United States Attorney UNITED STATES ATTORNEY'S OFFICE P.O. Box 22211 Casper, WY 82602
For the Defendant:	MR. MARVIN IVERSON, Pro Se MR. JAMES H. BARRETT, Standby Counsel Assistant Federal Public Defender OFFICE OF THE FEDERAL PUBLIC DEFENDER 214 West Lincolnway Suite 31-A Cheyenne, WY 82001
Court Reporter:	MS. JULIE H. THOMAS, RMR, CRR 2120 Capitol Avenue, Room 2228 Cheyenne, WY 82001 (307)778-0078 CA CSR No. 9162

Proceedings recorded by mechanical stenography,  
transcript produced by computer.

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Motion Excerpt

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1 (Proceedings resumed 9:09 a.m.,  
2 July 29, 2014.)

3 \* \* \* \* \*

4 MS. SPRECHER: The Government rests, Your Honor.

5 THE COURT: Very well. Members of the jury, we will  
6 be standing in our recess at this time. Lunch will be at the  
7 Albany for you, which is located across from the Depot  
8 downtown. I think the weather's pretty nice this afternoon,  
9 and they are expecting you in about 15 minutes, and lunch will  
10 be on the court.

11 We'll stand in recess until 1:30 o'clock. Please  
12 remember the Court's admonition.

13 (Jury out at 11:40 a.m.)

14 THE COURT: Please be seated.

15 (The defendant and standby counsel consult.)

16 MR. IVERSON: At this time, Your Honor, I'd like to  
17 move or put forth a motion for dismissal on the grounds that  
18 they've failed to prove their case.

19 THE COURT: Very well. This is a motion for judgment  
20 of acquittal in this case on the basis that the Government has  
21 failed to present a prima facie case in this matter. Is there  
22 anything that you wish to argue in that regard?

23 MR. IVERSON: I need to argue it?

24 THE COURT: Well, one of the objections that you wish  
25 to preserve, I think, in this matter is that the evidence

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1 of -- the failure of the Government to produce the actual  
2 certificates of insurance by the Federal Deposit Insurance  
3 Corporation reflects that the evidence that the bank was  
4 federally insured is defective in this matter.

5 MR. BARRETT: That would be correct, Your Honor.

6 THE COURT: Is that one of the objections that you  
7 have in this case?

8 MR. BARRETT: Yes.

9 MR. IVERSON: Yes.

10 (The defendant and standby counsel consult.)

11 MR. IVERSON: Based on the admission of this  
12 evidence --

13 (The defendant and standby counsel consult.)

14 MR. IVERSON: -- through the hearsay testimony of the  
15 agent.

16 THE COURT: Very well. Does the Government have a  
17 response?

18 MS. SPRECHER: Yes, Your Honor. The hearsay is the  
19 weight of the evidence rather than -- and actually it wasn't  
20 hearsay. It was records relied on by the agent in his normal  
21 course of business. But certainly the defendant can argue the  
22 weight of that evidence, if he wants to, to the jury.

23 At this point, taking the evidence in the light most  
24 favorable to the Government, I believe the Government has  
25 proven its -- the elements of the charge of bank fraud, and

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Motion Excerpt

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1 we'd ask that the Court deny the motion.

2 THE COURT: Very well. I'll overrule the motion in  
3 this case. And you are preserving this objection for any  
4 possible appeal that you may file or choose to file at a later  
5 time. That's the importance of making the motion that you  
6 have just made.

7 Again, the Government has now rested its case in  
8 chief. You have an opportunity now to make your opening  
9 statement -- you reserved opening statement at the beginning  
10 of the trial -- and to present any evidence that you wish to  
11 present, call any witnesses that you wish to examine or have  
12 examined before the Court and present their testimony and any  
13 exhibits that you wish to present in this matter. I would  
14 remind you, of course, that your right to remain silent is  
15 intact. You are under no obligation to present evidence or to  
16 testify. That is entirely up to you. Do you understand?

17 MR. IVERSON: Yes.

18 THE COURT: All right. We'll be back here at 1:30.  
19 I wanted to give you some time to be able to think about how  
20 you wish to proceed at this point.

21 MR. IVERSON: Okay.

22 THE COURT: And this will give you, you know, the  
23 lunch hour to think about those things.

24 Mr. Barrett, can you think of anything that the Court  
25 maybe should bring up or remind Mr. Iverson of?

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Motion Excerpt

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1 MR. BARRETT: Not at this point, Your Honor, no.

2 THE COURT: All right.

3 MR. IVERSON: How do I get something to write with?

4 MR. BARRETT: We can get you a pen.

5 MR. IVERSON: Oh, one of those. Okay.

6 THE COURT: If there's nothing further, we'll stand  
7 in recess.

8 (Proceedings recessed 11:45 a.m. to 1:41 p.m.,  
9 resuming outside the presence of the jury.)

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11 (Proceedings recessed 5:04 p.m.,  
12 July 29, 2014.)

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C E R T I F I C A T E

I, JULIE H. THOMAS, Official Court Reporter for the  
United States District Court for the District of Wyoming, a  
Registered Merit Reporter and Certified Realtime Reporter, do  
hereby certify that I reported by machine shorthand the  
proceedings contained herein on the aforementioned subject on  
the date herein set forth, and that the foregoing pages  
constitute a full, true and correct transcript.

Dated this 22nd day of December, 2014.

/s/ Julie H. Thomas

JULIE H. THOMAS  
Official Court Reporter  
Registered Merit Reporter  
Certified Realtime Reporter  
CA CSR No. 9162